



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/614,923	05/29/84	GROHE	K BAYER-5814

SPRUNG, HORN, KRAMER & WOODS
601 THIRD AVE.
NEW YORK, NY 10016

EXAMINER	
TURNIPSEED, J	
ART UNIT	PAPER NUMBER
129	4

DATE MAILED: 04/09/85

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-34 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-34 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☒ been filed in parent application, serial no. 06/436,112; filed on 10/22/82.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Serial No. 614,923

-2-

Art Unit 123

The references are those cited in the parent files.

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119. The certified copy has been filed in parent application, Serial No. 06/436,112, filed on October 22, 1982.

Claims 1-34 are in this case.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1,86S.Ct. 684, 15 L.Ed. 2nd 545 (1966) 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art;

49

2. Ascertaining the differences between the prior art and the claims at issue; and

3. Resolving the level of ordinary skill in the pertinent art.

Claims 1-15 and 24-34 are rejected under 35 U.S.C. 103 as being unpatentable over Irikura, et al. in combination with Nakagome, et al.

Irikura et al disclose a class of compounds analogous to those of the instant claims wherein the 1-position is substituted by an alkyl or alkenyl group. Nakagome, et al. discloses analogous class of compounds and teach the equivalency between the 1-position alkyl, alkenyl and cycloalkyl. Each of the references teach the same utility as the compounds of the instant claims. Therefore, the instantly claimed compounds would be readily suggested to one of skill in the art.

Claims 16-23 are rejected under 35 U.S.C. 103 as being unpatentable over Matsumoto, et al.

The reference to Matsumoto, et al, teaches the methods of the instant claims employing analogous reactants. The instantly claimed processes would be readily suggested to one skilled in the art.

All claims are rejected.

49

50

Serial No. 614,923

-4-

Art Unit 123

Any inquiry concerning this communication should be directed to Examiner J. H. Turnipseed at telephone number 703-557-3920.

974
Turnipseed:ebw
3/4/85

Richard L. Raymond
RICHARD L. RAYMOND
PRIMARY EXAMINER
ART UNIT 129

50